

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

State of Minnesota,  
by Michael Campion, its  
Commissioner of Public Safety,

File No. CV-08-603 (DWF/AJB)

Plaintiff,

and

Robert J. Bergstrom, Craig A.  
Zenobian, Shane M. Steffensen, and  
Christopher D. Jacobsen,

**MOTION FOR AMENDED  
SCHEDULING ORDER**

Plaintiffs-Intervenors,

vs.

CMI of Kentucky, Inc.,  
a Kentucky corporation,

Defendant.

The Court issued a Scheduling Order for the above-referenced matter on May 20, 2008. Based upon subsequent and material changes to the course of the litigation, including the November 6, 2008, Order Granting Intervention, and the February 9, 2009, Order Denying Settlement, modifications to the original Scheduling Order are required. Notably, no discovery has been completed other than initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) due to focus by the State and CMI on negotiation and completion of settlement, which essentially stalled any litigation-driven efforts for the past eight months. Therefore, the State now requests the following expedited deadlines for discovery, motions, and trial:

(1) Discovery Limitations

The State recommends that the Court limit the use and numbers of discovery procedures as follows:

- |     |                     |                          |
|-----|---------------------|--------------------------|
| (A) | <u>25 per party</u> | interrogatories;         |
| (B) | <u>25 per party</u> | document requests;       |
| (C) | <u>10 per party</u> | factual depositions; and |
| (D) | <u>no limit</u>     | requests for admissions. |

(2) Discovery Schedule

The State recommends that the Court establish August 14, 2009 as the deadline for completion of discovery, including service and response to interrogatories, document requests, requests for admission and scheduling of factual depositions.

(3) Experts

- (A) Plaintiff State of Minnesota anticipates calling 2 experts in the field of computer programming and software analysis, and for the purpose of establishing damages.

The State recommends that the Court establish the following deadlines for completion of disclosure or discovery of the substance of reports by expert witnesses:

- Affirmative experts: July 3, 2009  
Rebuttal experts: July 31, 2009

(4) Motion Schedule

The State recommends that all motions (both non-dispositive and dispositive) be filed and served on or before October 2, 2009.

(5) Trial-Ready Date

The State recommends that the case be ready for trial on or after November 2, 2009, with an estimated trial length of 2-3 days.

Dated: February 27, 2009

Respectfully submitted,

LORI SWANSON  
Attorney General  
State of Minnesota

**s/ Emerald Gratz**

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AG: #2391285-v1